

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BRYANT L. CROWLEY,	:	
	:	
Petitioner,	:	Case No. 3:11cv00431
	:	
-vs-	:	
	:	District Judge Walter Herbert Rice
WARDEN, Southern Ohio Correctional Facility,	:	Magistrate Judge Sharon L. Ovington
	:	
Respondent.	:	
	:	

ORDER WITHDRAWING REPORT AND RECOMMENDATIONS

This case is presently before the Court upon Petitioner Bryant L. Crowley's Objections (Doc. #4) to the Report and Recommendations docketed on January 18, 2012. (Doc. #3). As noted in the Report and Recommendations, "Crowley filed his petition on December 8, 2011, [but] he did not pay the required \$5.00 filing fee or submit an application to proceed *in forma pauperis*." (*Id.*). Thereafter, "[t]he Court . . . directed him to do one or the other by January 3, 2012, and placed him on notice that if he did not either pay the \$5.00 filing fee or submit an *in forma pauperis* application, his case may be dismissed for want of prosecution." (*Id.*).

In the Report and Recommendations filed on January 18, 2012, this Court noted that "Crowley has not responded to the Order and has neither paid the required \$5.00

filing fee nor submitted an application to proceed *in forma pauperis*,” and ultimately recommended that his Petition for Writ of Habeas Corpus (Doc. #1) be dismissed, without prejudice.

In light of Petitioner’s Objections, this Court has learned that Crowley, in fact, paid his filing fee on December 22, 2011, as directed, but the receipt was not docketed due to clerical error. The receipt has now been properly docketed. (Doc. # 5).

Accordingly, it is therefore ORDERED that the Report and Recommendations docketed on January 18, 2012, be WITHDRAWN.

February 1, 2012

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge